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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,069	05/08/2001	Xiaoyuan Cui	1919	2854

7590 04/06/2005

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EXAMINER

ALVO, MARC S

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/851,069

Applicant(s)

CUI ET AL

Examiner

Steve Alvo

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 15 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over AMANN et al in view of ALLEN (6,503,507).

AMANN et al teaches oxidizing a carbohydrate (paper pulp) with a nitroxyl radical mediator (column 21, lines 62-64 and column 23, line 10-column 24, line 46). A halide (column 5, line 2) and peroxidase (column 4, line 63 to column 5, line 6)) and adding hydrogen peroxide (column 5, lines 45-51) to the mixture to oxidize the carbohydrate. The claimed nitroxyl radical mediators of AMANN et al do not differ from the mediators of the instant case and/or would have been obvious variants of the nitroxyl radical mediators of AMANN et al (see Applicant's April 19, 2004 amendment, page 9). The claimed conditions are the same and/or obvious over the conditions used in the Examples of AMANN et al. AMANN et al teaches bleaching lignin containing materials, e.g. cellulose pulp. This is the same process taught by Applicant. Obviously the pulp of AMANN et al is being oxidized during the bleaching. It would have been obvious that the chloroperoxidase of AMANN et al is a peroxidase plus a halide as ALLAN teaches that a haloperoxidase, i.e. halide:peroxide oxidoreductase is a peroxidase plus a halide or a combination of halides, i.e. chloride (See Abstract of ALLEN).

The January 31, 2005 Declaration of Dr. Cui has been considered, but does not overcome the prima facie case of obviousness. Whether or not chlorine will precipitate out of chloroperoxidase is not the issue. The "chloroperoxidase" of AMMAN is equivalent to the

claimed halide and peroxidase as evidenced by the teachings of ALLEN. Applicant has not compared using the (haloperoxidase (chloroperoxidase) of AMMAN to the claimed halide and peroxidase. From the teachings of ALLEN they would obviously be equivalent.

Claim 1 would be given favorable consideration if amended as follows:

Line 1, change "carbohydrates" to "cellulose pulp"; last line, change "adding a hydroperoxide" to, --slowly adding hydrogen peroxide to the solution containing the cellulose pulp to catalyze the nitroxyl radical mediator by said peroxidase enzyme in the presence of halide ions--; see instant specification, page 2, lines 11-21.

The restriction requirement of September 2, 2003 was made Final in the final rejection.

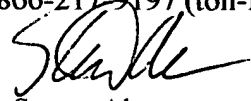
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Alvo whose telephone number is 571-272-1185. The examiner can normally be reached on 5:45 AM - 2:15 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Steve Alvo
Primary Examiner
Art Unit 1731

msa